

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Review Item:**

703 KAR 5:070, Inclusion of Special Populations in the State-Required Assessment and Accountability Programs (amendment to existing regulation)

#### **Applicable Statute or Regulation:**

KRS 158.6453, KRS 158.6451, 703 KAR 5:070

#### **Purpose:**

To review proposed revisions of regulatory language governing the use of accommodations during state-required test administration.

#### **History/Background:**

***Existing Policy.*** Senate Bill 1 (SB1), passed by the 2009 Kentucky General Assembly, established multiple assessment requirements and charged the Kentucky Board of Education (KBE) to create the new accountability system to classify districts and schools. With the guidance and approval of the KBE, the new accountability model, Unbridled Learning: College- and Career-Ready for All, offers a balanced approach organized around the KBE's four strategic priorities of next-generation learners, professionals, support systems and schools/districts.

Next-Generation Learners, the first component of Kentucky's new accountability model, begins in 2011-2012. Student performance on multiple state-required assessments contributes to the reporting of the four categories of Next-Generation Learners: Achievement, Gap, Growth and College/Career Readiness. Graduation Rate, the final category, is based on student enrollment and student receipt of diplomas.

As staff in the Office of Next-Generation Learners and Office of Assessment and Accountability began work on implementation of the new state-required assessments, test administration procedures including accommodations permitted during testing were examined. To provide a point of reference, Kentucky used guidelines from the National Assessment of Educational Progress (NAEP). As a respected national testing program, NAEP reflects many of the best practices in testing. Additionally, procedures used in other states were reviewed.

The issue of the content construct being measured by Kentucky's new assessments emerged as the primary focus. Testing procedures from NAEP and nearly all other states do not allow a reader to be used during a reading test. The reader accommodation calls into the question the measurement of the content construct of reading ability and comprehension. This was the area of greatest disagreement between Kentucky's accommodation policy and the policies from NAEP. Kentucky's new reading comprehension test intends to be a measure of reading ability and not

listening ability. A second content construct issue arises as Kentucky adds new non-calculator sections in the mathematics tests in grades 3-8. Permitting a calculator on a non-calculator section impacts the content construct being measured—mathematical fluency. This is a similar impact as using a reader on a reading test.

Through a project with the Appalachian Regional Comprehensive Center (ARCC) and the George Washington University Center for Equity and Excellence in Education (GW-CEEE), Kentucky received expert analysis of accommodations for Limited English Proficient (LEP) students. The analysis flagged LEP accommodations that are questionable and recommended their removal.

A stakeholder committee was convened to discuss possible revisions to accommodations for testing as reflected in 703 KAR 5:070. The proposed revisions may be grouped into three areas—policy changes, wording changes and new organization of the regulation. Under each area, a summary of proposed revisions is provided below.

#### Policy Changes:

For students with disabilities that have an Individualized Education Program (IEP):

- 1) Remove the use of reader during the state-required reading assessment in order to measure reading comprehension. Readers would still be allowed during other content areas on the state assessment.
- 2) Remove the use of a calculator during the non-calculator portion of the state-required mathematics test in order to measure mathematical fluency.
- 3) Remove prompting and cueing notebooks. Prompting and cueing become only verbal and non-verbal prompts to help a student stay on task or refocus on the task.

For students with limited English proficiency that have a Program Services Plan (PSP):

- 1) Remove the use of reader during the state-required reading assessment in order to measure reading comprehension. Readers would still be allowed during other content areas on the state assessment.
- 2) Remove prompting and cueing notebooks. Prompting and cueing become only verbal and non-verbal prompts to help a student stay on task or refocus on the task.
- 3) Remove assistive technology that provides complete translations and student-generated glossaries since these glossaries go beyond a word-to-word translation.

#### Wording Changes:

- 1) Replace (Limited English Proficient) LEP with EL (English Learner).
- 2) Remove all references to writing portfolios.

#### New Organization of the Regulation:

- 1) Move section for LEP students to the end of regulation and include details about accommodations.
- 2) Place accommodation details for students with disabilities earlier in document.

- 3) Separate students with 504 Plans from students with disabilities and address them separately.

The proposed revisions are specific to student use during test administration. The accommodations permitted in the classroom are not governed by this regulation. Rather, the proposed revisions attempt to clarify what accommodations from the classroom may be appropriately moved into the testing situation without negatively impacting the construct being measured.

### **Impact on Getting to Proficiency:**

The new accountability system will establish how schools/districts are held responsible for assuring Kentucky's students are proficient and prepared for success. The accommodation regulation provides administration guidance to ensure that student performance is consistently measured in Kentucky's public schools.

### **Groups Consulted and Brief Summary of Responses:**

The concepts from the stakeholder committee were discussed by the School Curriculum, Assessment and Accountability Council (SCAAC) in July and the proposed regulatory changes will be reviewed at the September meeting. The District Assessment Coordinators Advisory Group as well as the Local Superintendents Advisory Council and other stakeholder groups will be discussing the proposed revisions. Any additional feedback that is received prior to the KBE October meeting will be shared at the meeting.

### **Contact Persons:**

Ken Draut, Associate Commissioner  
Office of Assessment and Accountability  
(502) 564-2256  
[Ken.Draut@education.ky.gov](mailto:Ken.Draut@education.ky.gov)

Felicia Cumings Smith  
Office of Next Generation Learners  
(502) 564-9850  
[Felicia.smith@education.ky.gov](mailto:Felicia.smith@education.ky.gov)

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**Commissioner of Education**

### **Date:**

October 2011